



## MINUTES

**Coburg City Council**  
Regular Meeting  
June 11, 2013 - 7:00 P.M.  
Coburg City Hall  
91069 North Willamette - Coburg

**COUNCILORS PRESENT:** Jae Pudewell, Mayor; Jerry Behney, Sharyl Abbaspour, Jeffrey Kaliner, Don Nelson, Brian Pech, Ray Smith

**COUNCILORS ABSENT:** None

**STAFF PRESENT:** Petra Schuetz, Laura Comstock, Sammy Egbert, Jeanine Lavers, Milo Mecham, Larry Nelson, Rob Sutton, Ramona Sweere, Ron Walz

**RECORDED BY:** Dan Lindstrom

Mayor Jae Pudewell called the meeting of the Coburg City Council to order at 6:40 p.m. Councilors joined in the Pledge of Allegiance. Minutes Recorder C. Daniel Lindstrom called the roll and announced that a quorum was present.

Mayor Pudewell noted that citizen Bill Ledford was making an audio recording of the meeting.

### 1. CITIZEN TESTIMONY

Michelle Sunia, 91053 Rustic Court, reported that the Ford Institute Leadership Program previously discussed by the Council had decided that its community improvement project would be to improve the gazebo in the City park. She said consideration was being given to the formation of a nonprofit 501(c)(3) organization to manage the estimated \$7,000 funding required to carry out the project. She said resources would be available from the Ford Foundation and there would be fund raising efforts.

Rick Turtura, 91053 Abby Road, stated that he wanted to bring to the attention of the City Council that public containers placed around the City for pet owners to use for disposal of animal excrement were not adequate to contain what was deposited and that they were hardly ever emptied. He suggested that either they be eliminated, replaced with larger capacity containers, or more regularly maintained. He also expressed concern about the lay off of an Officer in the Coburg Police Department. He said he believed the matter should have been handled in a more public and transparent manner.

Councilor Don Nelson stated that he had received comments from at least two citizens expressing the same views as Mr. Turtura.

City Administrator Petra Schuetz stated that the Public Works Department was investigating the option of larger pet excrement deposit containers and would pursue more regular servicing of the existing sites.

## **2. AGENDA**

Mayor Pudewell stated that the Council would consider during the Public Works section of the Agenda action regarding matters discussed in an Executive Session held immediately before the meeting of the Urban Renewal Agency.

Mayor Pudewell noted that other items might be considered out of their sequence printed on the Agenda, as requested, and for the convenience of presenters.

## **3. COMMENTS OF THE MAYOR**

Mayor Pudewell noted:

- The July/August issue of the Coburg Newsletter was being prepared and submissions should be made as soon as possible.
- The difficult Budget cycle had been completed with a clear indication that the City would face financial challenges in the coming year.
- Coburg citizens continue to want services that may be more than a community its size could provide.
- Every service should be provided when funding for it was available.
- The local economy has been developing with the recent addition of five new businesses, but that the full effect of their influence would not be realized for five years.

## **4. WASTEWATER PROJECT**

Council Wastewater Project Liaison Jerry Behney referred to Agenda support material entitled "Wastewater Project Management Team Summary" and reported that the Wastewater Project Management Team had decided at its most recent meeting to inform Project Contractor R&G Construction that the City would not pay any submitted bills or permit work to move forward into residential areas until it had submitted a schedule of its intended work progress. Project Co-Manager Milo Mecham reported that representatives of the company had (again) promised to provide the schedule at its next Thursday meeting with City representatives. Ms. Schuetz added that she had been informed that the company had sent "three-week notices" of impending work to be done at certain residential properties to property owners.

Wastewater Project Engineer Ron Walz referred to Agenda support material entitled "Monthly Status Summary" and reported that he had been informed that a R&G manager was currently not working because of a family emergency, affecting the efficiency of company work. He said he was expecting compliance with the requirements of the Management Team reported by Councilor Behney.

Mr. Walz reported that the Council would be asked to approve a Project Change Order at its next meeting that resulted from the need to replace nine of ten tanks at Kamping World.

Mr. Walz reported on a need to replace "mixer dials" on equipment at the Treatment Plant. He said it would likely result in operating energy savings.

Mr. Walz reported that Kennedy/Jenks would be requesting a contract amendment of \$48,000 from the Council at a future meeting. He explained that the change was brought on by excessive engineering time required and administrative work on Change Orders.

Wastewater Construction Supervisor Rob Sutton reported that clean water testing of equipment at the Treatment Plant was nearly complete and that other work on it was essentially complete.

He said connections to Industrial Way locations would begin to be made in the next week.

Mr. Sutton reported that pumps and asphalt were being installed at the Kamping World site and that testing of connections to the location had begun. He also reported that R&G workers had begun distributing door hangers notifying residents of work impending at their location.

Ms. Schuetz reported that a replacement Treatment Plant Operator had been hired, Brian Harmon.

Mr. Sutton reported that training in the operation of treatment plant equipment by representatives of GE had begun. He said the full 80-hour training would not begin until later in summer. He explained that GE representatives were able to monitor plant operations via the Internet and that they were available for any assistance needed for one year.

Mr. Mecham referred to Agenda support material entitled "Adoption of a Wastewater Capital Improvement Plan" and explained that such a plan was needed to establish Wastewater Service Development Charges (SDC). He reviewed elements of the proposed plan, expanding on its elements of improvements to the existing system, reimbursable capacity of the existing system, and providing additional capacity. In response to a request from Councilor Don Nelson, he agreed to provide a more detailed breakdown of the "Land, Local Action, Loan" item included in a table of Wastewater System Eligible Reimbursement Costs.

Councilor discussed the proposed Plan.

***Councilor Brian Pech moved, seconded by Councilor Jeffrey Kaliner, that the Council adopt the Capital Improvement Plan for the Coburg Wastewater System, as presented. The motion was adopted, 5:1, with Councilor Nelson voting no.***

Mr. Mecham referred to Agenda support material entitled "Adoption of a Wastewater System Development Charge." He said it was his intention to review the methodology presented with Councilors at the current meeting, encourage their study of it, and ask for its adoption at a later meeting when an enacting Ordinance was deliberated. He said a Public Hearing would be required before it was finally acted upon. He noted that the proposed Ordinance had been distributed: Ordinance No. 172-B, AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF SYSTEM DEVELOPMENT CHARGES FOR THE CITY OF COBURG AND REPEALING CONFLICTING ORDINANCES.

Ms. Schuetz stated that the Council would be asked to review and consider changes to Service Development Charges annually.

Councilors discussed the proposal.

Mayor Pudewell determined that there was agreement to consider a First Reading of the methodology and proposed Ordinance at the Special Council meeting on June 25 and its Second Reading at the regular meeting in July.

## **5. WATER RATE FEE INCREASE**

Contract Consultant Paul Thompson referred to Agenda support material entitled "2013 Water Rate Study Update Follow-Up." He reviewed previous considerations of the information it contained by the Council and said that if Councilors were able to indicate their preference for alter-

natives presented, he would prepare a Resolution to adopt it at their Special Meeting scheduled for June 25.

Councilors discussed the proposal.

***Councilor Kaliner moved, seconded by Councilor Behney, to approve Rate Alternative No. 1 and ask that it be presented for adoption on June 25, 2013, to be implemented July 1, 2013. The motion was adopted unanimously, 6:0.***

## **6. DEPARTMENT ACTIONS AND UPDATES**

### **A. City Administration**

Ms. Schuetz referred to Agenda support material entitled "City Administration Summary" and invited questions or comments about it.

Mr. Mecham referred to the report in the material that the Planning Commission had denied the application of Love's Travel Stops and Country Store to establish a travel center and truck stop in Coburg. He said an appeal of the decision was being prepared to present to the City Council and that it was very important for Councilors to avoid any *ex parte* contacts regarding it. He warned that a communication dated May 2 from a representative of Coburg North supporting the application distributed at the beginning of the meeting fell into the category. He said that any and all such contacts should be logged and reported at the time of the Appeal hearing. He explained that doing so would ensure that participation in deciding the Appeal was appropriate and acceptable.

### **B. Municipal Court**

Ms. Schuetz reported that there would be a need to appoint an Interim Judge for the Municipal Court during the impending temporary absence of Judge James Larson. She also said that the position of City Prosecutor needed to be reappointed. She explained that Coburg had no precedent to fill the positions and reported various options used by other municipalities.

Councilors discussed the issue.

Mayor Pudewell determined that there was consensus to accept recommendations of the staff to fill the positions.

Ms. Schuetz stated that she would bring such recommendations to the Special Council Meeting on June 25.

### **C. Finance**

Finance Director Ramona Sweere reviewed revenue and expense reports in her "Finance Department Monthly Report." She noted that she anticipated a reduction in the General Fund deficit at the end of the fiscal year and that Departments were frugal in expending contingency funds. She also noted that Wastewater Project operating, maintenance, and material services were lower than budgeted expectations and the Public Works funds expenditures were more than met by revenue.

Ms. Schuetz stated that it was her judgment based on the current financial status of the City that planned Staff Furlough Days could be foregone and the Police Department could be returned to full .9 full time staff equivalency.

Mayor Pudewell referred to Agenda support material entitled "Resolution 2013-09, A RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES. He opened a Public Hearing on adoption of the Resolution.

Ms. Sweere reviewed background regarding the Resolution – its consideration by the Budget Committee, and the qualification of Coburg to receive the revenue.

Mayor Pudewell determined that Councilors had no questions regarding the Resolution, that there were no persons present wishing to provide public testimony, and closed the Public Hearing.

***Councilor Ray Smith moved, seconded by Councilor Pech, to approve Resolution 2013-09, A RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUE. The motion was adopted unanimously, 6:0.***

Mayor Pudewell referred to Agenda support material entitled "Resolution 2013-10, A RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE SHARED REVENUES. He determined that a Public Hearing was not required.

Ms. Sweere reviewed background regarding the Resolution – its consideration by the Budget Committee, and the qualification of Coburg to receive the revenue.

Mayor Pudewell determined that Councilors had no questions regarding the Resolution.

***Councilor Ray Smith moved, seconded by Councilor Pech, to approve Resolution 2013-09, A RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE SHARED REVENUE. The motion was adopted unanimously, 6:0.***

Mayor Pudewell referred to Agenda support material entitled "Resolution 2013-12, A RESOLUTION AUTHORIZING THE CITY'S BUDGET FOR FISCAL YEAR 2013-14, CREATING EXPENDITURE APPROPRIATIONS, SETTING THE TAX, AND IMPOSING THE TAX. He determined that no Councilors declared *ex parte* contacts or conflicts of interest and opened the Public Hearing on adoption of the Resolution.

Ms. Sweere reviewed background regarding the Resolution, including its consideration and recommendation by the Budget Committee.

Mayor Pudewell determined that Councilors had no questions regarding the Resolution, that there were no persons present wishing to provide public testimony, and closed the Public Hearing. He expressed appreciation for the work of staff and members of the Budget Committee for their efforts in preparing the Budget

***Councilor Abbaspour moved, seconded by Councilor Pech, to approve Resolution 2013-12, A RESOLUTION AUTHORIZING THE CITY'S BUDGET FOR FISCAL YEAR 2013-14, CREATING EXPENDITURE APPROPRIATIONS, SETTING THE TAX, AND IMPOSING THE TAX. The motion was adopted unanimously, 6:0.***

Mr. Mecham referred to Agenda support material entitled "Right of Way Ordinance" and explained how the Ordinance would expand the ability of the City to control its street right of ways. He reviewed background information the material contained regarding how the proposal sup-

plemented and enhanced existing provisions for franchise agreements. Ms. Schuetz added information about similar Ordinances existing in other municipalities.

Mayor Pudewell opened a Public Hearing on the proposed Ordinance and determined that no Councilors declared *ex parte* contacts or conflicts of interest and opened the Public Hearing on adoption of the Ordinance.

Councilors discussed the proposed Ordinance and appeared to reach consensus that an annual right-of-way license fee of \$2.00 per lineal foot of public right-of-way or public property occupied should be charged, rather than the \$1.00 proposed in the draft Ordinance.

Councilors also considered, but came to no agreement regarding setting differing license fees for underground or aerial installations.

Mayor Pudewell determined that there were no persons present wishing to provide public testimony, and closed the Public Hearing. He stated that the hearing constituted the First Reading of the proposed Ordinance.

#### **D. Public Works**

Ms. Schuetz referred to Agenda support material entitled "Water Rates Study RFP Results – Consider Extending Contract." She noted that the proposal was to simply change the effective date of the existing Intergovernmental Agreement with Lane Council of Governments to extend through September 30, 2013, instead of May 30. She said that there would be no additional cost because of the extension and reviewed the "next steps" to be completed during that time.

***Councilor Behney moved, seconded by Councilor Abbaspour, to extend the Water Rates Study contract to September 30, 2013. The motion was adopted unanimously, 6:0.***

#### **E. Planning**

Ms. Schuetz referred to Agenda support material entitled "Planning Commissioner Appointment" and reviewed the background information it contained, including the recommendation of the Planning Commission to appoint Judith Behney.

***Councilor Kaliner moved, seconded by Councilor Abbaspour, to appoint Judith Behney to Position 3 on the Planning Commission. The motion was adopted, 5:0:1, with Commissioner Behney abstaining from voting because of a conflict of interest.***

### **6. MAJOR PROJECT UPDATES**

Ms. Schuetz reviewed Agenda support material entitled "Transportation System Plan Progress Report," "Economic Development Strategy Progress Report," "Coburg Loop Multi-Use Path," and "Historic Preservation Program Progress Report." She expressed appreciation for the assistance of Resource Assistance for Rural Environment AmeriCorps worker Laura Comstock in determining the availability of a new University of Oregon student intern for the next school year.

#### **City Hall Feasibility**

***As a result of discussions in Executive Session, Councilor Pech moved, seconded by Councilor Kaliner, to authorize the City Administrator to sign a "Purchase and Sales***

**Agreement” and continue to pursue relevant activities related to negotiations with the New Pacific Corporation regarding the possibility of an exchange of land and buildings. The motion was adopted, 5:1, with Councilor Nelson voting no.**

Mr. Mecham reported on the status of the legal proceeding by residents of Pioneer Valley Estates (PVE) against the City related to water rates. He explained that both parties had agreed to attempt arbitration settlement of the disagreement. He said the result had been agreement that the City had the right to set water rates, but not arbitrarily, implying that requiring PVE residents to pay out-of-City rates was unfair. He explained that he had determined that the City should appeal the results of the arbitration and seek a court action in which there would be no trial and a decision could exonerate the City. He said he would prepare a relevant recommendation for the Council to consider at its Special Meeting on June 25.

Mayor Pudewell requested that Councilors with opinions regarding any action of the City in the matter to present them to him before June 14.

Mayor Pudewell determined that there were no Councilors requesting to make closing comments.

## 7. CONSENT AGENDA

Mayor Pudewell noted that the Consent Agenda included approval of Accounts Payable dated June 11 and acceptance of the minutes of the May 14, 2013, Regular Council Meeting.

**Councilor Pech moved, seconded by Councilor Behney, to approve the Consent Agenda. The motion was adopted unanimously, 6:0.**

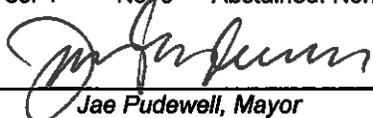
The meeting adjourned at 9:45 p.m.

### ACCEPTANCE

Approved: July 9, 2013

Yes: 4    No: 0    Abstained: None

Attest:

  
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Jae Pudewell, Mayor

Date: 7/9/2013

  
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Sammy L. Egbert, City Recorder

Date: 7/9/13